

OECA and Regional Report

Week Ending May 27, 2016

**** Enforcement Sensitive Items are Highlighted in Red ****

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- **DOJ Files Amicus Brief in Montana State Court to Prevent Landowners Interference with CERCLA Remedial Action for Anaconda Smelter Superfund Site, [*Gregory Christian, et al v. Atlantic Richfield Company* – Cause No. DV-08-173 (Montana Second Judicial District Court, Silver Bow County)]**

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On May 19, 2016, the Department of Justice on behalf of EPA filed an *amicus curiae* brief in *Gregory Christian, et al v. Atlantic Richfield Company* – Cause No. DV-08-173 (Montana Second Judicial District Court, Silver Bow County), in support of defendant Atlantic Richfield Company (ARCO) which is conducting an extensive and complicated cleanup under EPA's direction at the Anaconda Smelter Superfund Site (the Anaconda Site) in Montana pursuant to CERCLA. The *amicus* brief seeks to prevent plaintiff landowners from interfering with the cleanup, on the grounds that plaintiffs' claims for property restoration damages under state law are barred by sections 113(h) and 122(e)(6) of CERCLA. Plaintiffs are a group of individuals who own residential real property within the Anaconda Site. They are claiming damages for loss of use, enjoyment and value of their property. Most importantly for this lawsuit, plaintiffs are requesting expenses for and the costs of investigation and "restoration" of their property. The proposed restoration involves actions that EPA believes may harm or interfere with the remedy selected under EPA's record of decision for the Anaconda Site. Contact: Clarence Featherson, 202-564-4234.

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